

ZB# 83-26

Dunkin Donuts

69-1-11

83-26 - Dunkin Donuts -

Orlin, -

June 27, 1983

Public Hearing:

July 11, 1985.

(Greaso delivered
copy of Notice to
Sendral on 6/29/83)

General Receipt

5357

TOWN OF NEW WINDSOR

555 Union Avenue

New Windsor, N. Y. 12550

Sept. 2 19 83

Received of

Steve Prekas

\$ 50.00

Fifty and 00/100

DOLLARS

For

ZBA Variance application fee 83-26

DISTRIBUTION.

FUND	CODE	AMOUNT
\$50.00	Check	
#1494		

By

Pauline H. Townsend E.C.

Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609



McGOEY, HAUSER & GREVAS
CONSULTING ENGINEERS
45 Quassaick Avenue (Rte. 9W)
New Windsor, New York 12550

Telephone (914) 562-8640
Port Jervis (914) 856-5600

Memo

LETTER

Date 29 June 1983

Subject Cluster Donuts

To Town of New Windsor
Zoning Board

attn: Pat Miller

Enclosed for your necessary action, please find
the following documents:

Public Hearing Notice - (went to Sentinel on 6/28)

Application for Variance (with \$50.00 check)

Site Plan - 3 copies

If you have any questions, please call our office.

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

JUN 29 1983

at 11:15 am

BY:

Patricia Delia

☐ Please reply

☐ No reply necessary

SIGNED

Charles L. Bruner



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK
(914) 565-8550

Date: July 12, 1983

Steve Prekas
3 Warden Circle
Newburgh, N. Y. 12550

Elias Grevas, L. S.
McGoey, Hauser & Grevas
45 Quassaick Avenue
New Windsor, N.Y. 12550

RE: APPLICATION BEFORE ZONING BOARD OF APPEALS
83-26 - PREKAS (DUNKIN DONUTS)

Dear Sirs:

This is to confirm that your above application before the
New Windsor Zoning Board of Appeals was Granted
at a meeting held on the 11th day of July, 1983.

A formal decision will be drafted and acted upon at a later
date. You will be receiving a copy of same by return mail.

Meanwhile, if you have any further questions, please do not
hesitate to call me.

Yours very truly,

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Patrick Kennedy, Bldg/Zoning Inspector
Town Planning Board

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARINGS BEFORE ZBA - July 11, 1983
DATE: June 29, 1983

Kindly be advised that there are two (2) public hearings scheduled to be heard before the ZBA on Monday evening, July 11, 1983:

Application of ODIS MORRIS (beauty shop)

Application of STEVE PREKAS (DUNKIN DONUTS);

I have attached hereto copies of the pertinent applications together with public hearing notice which will appear in The Sentinel in accordance with Section 48-34A of Zoning Local Law.

Pat

/pd

cc: Building Inspector Kennedy

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARINGS - Date: July 11, 1983
DATE: July 5, 1983

Please be advised that the following is a schedule of public hearings to be heard before the Zoning Board of Appeals on the above date:

Application for Use Variance - ODIS MORRIS

Application for Area/Sign - STEVE PREKAS (DUNKIN
DONUTS)

I have attached hereto copies of the pertinent application(s) together with public hearing notice(s).

Pat

/pd

Attachments

cc: Town Building/Zoning Officer Kennedy

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Ordinance on the following proposition:

Appeal No. 26

Request of Steve Prekas

for a VARIANCE ~~SPECIAL PERMIT~~ of
the regulations of the Zoning Ordinance to
permit Construction of a Dunkin Donuts Restaurant

being a VARIANCE ~~SPECIAL PERMIT~~ of
Sections 48-9 and 48-12

for property situated as follows:

at the intersection of Routes 94 and 300,

(Freedom Road), Vails Gate

SAID HEARING will take place on the 11th day of
JULY, 1983, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

Richard Fenwick
Chairman

file

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x

In the Matter of the Application of
NICHOLAS C. MARSHALL and STEVE PREKAS
Application #79-6.

-----x

DECISION GRANTING
AREA AND SIGN
VARIANCES.

WHEREAS, NICHOLAS C. MARSHALL of Route 94, Vails Gate, New York, and STEVE PREKAS of 674 Broadway, Newburgh, New York, have made application before the Zoning Board of Appeals for area and sign variances for the purposes of construction of a DUNKIN DONUTS shop on Route 94 in Vails Gate, Town of New Windsor, New York; and

WHEREAS, a public hearing was held on the 26th day of March, 1979 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicants were represented by Peter C. Patsalos Esq. of 346 Broadway, Newburgh, N. Y. and MC GOEY, HAUSER & GREVAS, Consulting Engineers of Route 9W, New Windsor, N.Y. Mr. Grevas made the presentation on behalf of the applicants; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also as required by law.

2. The evidence shows that the variances sought will not alter the general character of the neighborhood.

3. The evidence shows that denial of the variances will result in significant economic injury to the applicants.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. That notices of the public hearing were duly sent to residents and businesses as prescribed by law and published in The Evenin News also required by law.

2. The applicants will encounter practical difficulty if the area variances requested are not granted.

3. The proposed variances will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants area and sign variances as follows: 13,136 sq. ft. area variance for lot; 100/150' lot width variance; 35'/69' front yard variance; 0'/33/46'-79' side yard variance; 4 ft. rear yard variance and 76 sq. ft. sign area variance, on the above-entitled application.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicants.

Dated: April ²³/₈, 1979.


Chairman

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x
In the Matter of the Application of

STEVE PREKAS.

Application #83-26.

DECISION GRANTING
AREA AND SIGN
VARIANCES

-----x
WHEREAS, STEVE PREKAS of 674 Broadway, Newburgh, New York,
has made application before the Zoning Board of Appeals for area and
sign variances for the purposes of construction of a Dunkin' Donuts
shop on Route 94 in Vails Gate (C zone), New Windsor, New York; and

WHEREAS, a public hearing was held on the 11th day of July,
1983 before the Zoning Board of Appeals at the Town Hall, New Windsor,
New York; and

WHEREAS, the applicant was represented by his consulting
engineers, McGoey, Hauser & Grevas, and Elias Grevas appearing in behalf
of the engineering firm; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.
2. The evidence shows that the variances sought will not
alter the general character of the neighborhood.
3. The evidence shows that denial of the variances will
result in significant economic injury to the applicants.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. That notices of the public hearing were duly sent to residents and businesses as prescribed by law and published in The Sentinel, also required by law.

2. The applicants will encounter practical difficulty if the area variances requested are not granted.

3. The proposed variances will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants area and sign variances as follows: 13,136 sq. ft. lot area; 100-150 ft. lot width; 35 ft.-69 ft. front yard; 0-33 ft./46 - 79 ft. side yard; 4 ft. rear yard and 16 ft. building height; also 76 sq. ft. sign variance on the above-entitled application in accordance with plans submitted with application.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: September 12, 1983.


Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

28.

June 30, 1983

Elias D. Grevas, L.S.
45 Quassaick Ave.
New Windsor, N.Y.

Re: 69-1-11

Dear Mr. Grevas:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$35.00. Please remit same to the Town Cler, Town of New Windsor.

Very truly yours,

A handwritten signature in cursive script that reads 'Paula Sarvis'.

PAULA SARVIS
ASSESSOR
Town of New Windsor



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Satterly Margaret M
RD2 Riley Road Box 277 ✓
New Windsor NY 12550

Stuart Satterly & Son Inc
RD2 Riley Road Box 277 ✓
New Windsor NY 12550

Robin Arthur & Catherine A
PO Box 235 ✓
Vails Gate NY 12584

VGR Associates
c/o Howard V Rosenblum
Suite 2C
300 Martine Ave
White Plains NY 10601

Lipsenthal Jerome ✓
Book Jerome
Book Samuel ETAL
c/o Scott & Schechtman
178 Grand Street
Newburgh NY 12550

Amerada Hess Corporation
Tax Dept 32430
1 Hess Plaza
Woodbridge NJ 07095

Angelo Rosmarino Enterprises
Inc
PO Box 392
Vails Gate NY 12584

Primavera Joseph A & Robert
PO Box 177
Vails Gate NY 12584

Casaccio Paul & Virginia
4 Alder Dr RD4
New Windsor NY 12550

Bonura Mary E & Callas Peter T
Sarvis Lane
Newburgh NY 12550

Thorne Douglas C Inc
542 Union Ave
New Windsor NY 12550

Korngold MD Louis ✓
135 Strawtown Road
West Nyack NY 10994

BLC Properties Inc ✓
Savis Lane RD1
Newburgh NY 12550

Baright Richard S
D/B/A Baright Rlty
Box 595
Vails Gate NY 12584

Craig Vera & William ✓
Beverly & John Jappen
RD1 Box 70 Rt 207
Rock Tavern NY 12575

Trevorah Edward ✓
PO Box 1
Vails Gate NY 12584

Crookston Stanley
Bayshore West
118 Keyport Rd
North Cape May NJ 08204

Mobil Oil Corp
Eastern Reg Property
Tax Division
PO Box 839
Valley Forge Pa 19482



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Slepoy Herbert & Gardner Fred
881 Knota Rd
Woodmere NY 11598

McDonalds (159/31)
Franchise Realty Corp
PO Box 66207
AMF OHare Airport
Chicago Illinois 60666

Central Hudson Gas & Electric Corp
c/o Tax Agent
South Road
Poughkeepsie NY 12602

Brewer Russell A Jr
Route 94 Box 103
Vails Gate NY 12584

Leonardo Samuel
7 Dogwood Hills Rd
Newburgh NY 12550

Leonardo Constantine
18 Oak St
Newburgh NY 12550

Marshall Marie
Box 68
Vails Gate NY 12584

New Windsor Volunteer
Ambulance Corps Inc
PO Box 25
Vails Gate NY 12584

Christopian Frank & Elizabeth
4527 Haylock Dr
Orlando Fla 32807

Apache Associates
52 Elm St
Huntington NY 11743

3

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

83-26.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

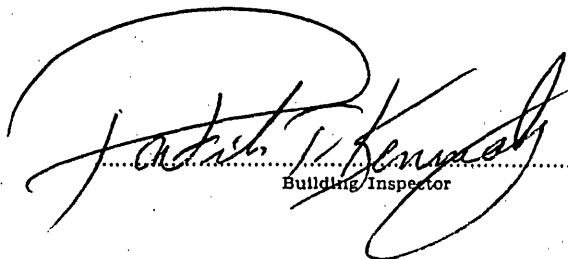
File No. Date June 23, 1983

To Dunkin Donuts - Nicholas C. Marshall & Steve Prekas
Vails Gate
New Windsor, N.Y. 12550

PLEASE TAKE NOTICE that your application dated June 23, 1983
for permit to Build new Commercial Structure
at the premises located at Westerly corner of N.Y.S. Rte 94 and
Temple Hill Rd.

is returned herewith and disapproved on the following grounds:

Expired Variances: Re: Final Decision granted
April 23, 1979


Building Inspector

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

73-26

Date: 28 June 1983

I. Applicant Information:

- (a) Steve Prekas, 674 Bway, Newburgh, NY (914) 562-8640 same
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) Peter C. Patsalos, 346 Broadway, Newburgh, NY (14) 562-8640
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☒ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. Property Information:

- (a) C Rte 94 @ Temple Hill Rd; Vails Gate 69 1 11 13,136 sf
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? none
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 30 March 1979
- (e) Has property been subdivided previously? When?
- (f) Has property been subject of variance or special permit previously? Yes When? 1979
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? No, except for dempster

IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Part II Regs., Col. 4,5,6,7,8 and 10.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>40,000 sf</u>	<u>13,136 sf</u>	<u>13,136 sf</u>
Min. Lot Width <u>200'</u>	<u>100'-150'</u>	<u>100'-150'</u>
Reqd. Front Yd. <u>60'</u>	<u>35'-69'</u>	<u>35'-69'</u>
Reqd. Side Yd. <u>30' / 70'</u>	<u>0'-33' / 46'-79'</u>	<u>0'-33' / 46'-79'</u>
Reqd. Rear Yd. <u>30'</u>	<u>4'</u>	<u>4'</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt. <u>4" / ft. to lot line</u>	<u>16'</u>	<u>16'</u>
Min. Floor Area*		
Dev. Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio** <u>0.5</u>	<u>0.12</u>	

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

Property is less than required area; Setback and parking requirements limit available building location; In order to maximize use of property, and provide a workable traffic pattern, the area variances are necessary.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section 48'9, Table of Use Regs., Col. D.

	Requirements	Proposed or Available	Variance Request
Sign 1	<u>10 s.f.</u>	<u>72 s.f. (Dbl Face)</u>	<u>62 s.f. (Illuminated Pylon)</u>
Sign 2	<u>2.0 s.f.</u>	<u>4.5 s.f.</u>	<u>2.5 s.f. (Illum. Directional)</u>
Sign 3	<u>2.0 s.f.</u>	<u>4.5 s.f.</u>	<u>2.5 s.f. (Illum. Directional)</u>
Sign 4		<u>4.5 s.f.</u>	<u>4.5 s.f. (Illum. Directional)</u>
Sign 5		<u>4.5 s.f.</u>	<u>4.5 s.f. (Illum. Directional)</u>
Total	<u>14 sq.ft.</u>	<u>90 sq.ft.</u>	<u>76 sq.ft.</u>

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

Sign 1 is an interior-illuminated pylon sign; 18' high, double
faced. Signs 2,3,4 and 5 are interior-illuminated directional
signs at entrances/exits, 5'-6" high (to top).
Another sign is to be attached to the building, 40.s.f. in area,
on the southeast face; and another sign on the northeast face
40 s.f. in area. Maximum permitted 50 s.f. variance request 30 s.f.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

170 s.f.

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Please see attached Plan, which provides for landscaping items,
curbs, etc.

IX. Attachments required:

- ____ Copy of letter of referral from Bldg./Zoning Inspector.
____ Copy of tax map showing adjacent properties.
____ Copy of contract of sale, lease or franchise agreement.
____ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
____ Copy(ies) of sign(s) with dimensions.
____ Check in the amount of \$ _____ payable to TOWN OF NEW WINDSOR.
____ Photos of existing premises which show all present signs and landscaping.

(Official Use Only)

X. AFFIDAVIT.

Date 28 June 1983

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE.)

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Shane Peters
(Applicant)

Sworn to before me this

29th day of June, 1983.

Ruth J. Eaton
RUTH J. EATON

Notary Public, State of New York
Qualified in Orange County
Commission Expires March 30, 1984
Reg. No. 4673512

XI. ZBA Action:

(a) Public Hearing date _____

(b) Variance is _____

(c) Special Permit is _____

(d) Conditions and safeguards _____

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE--)

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Stuart Parker
(Applicant)

Sworn to before me this

29th day of June, 1975.

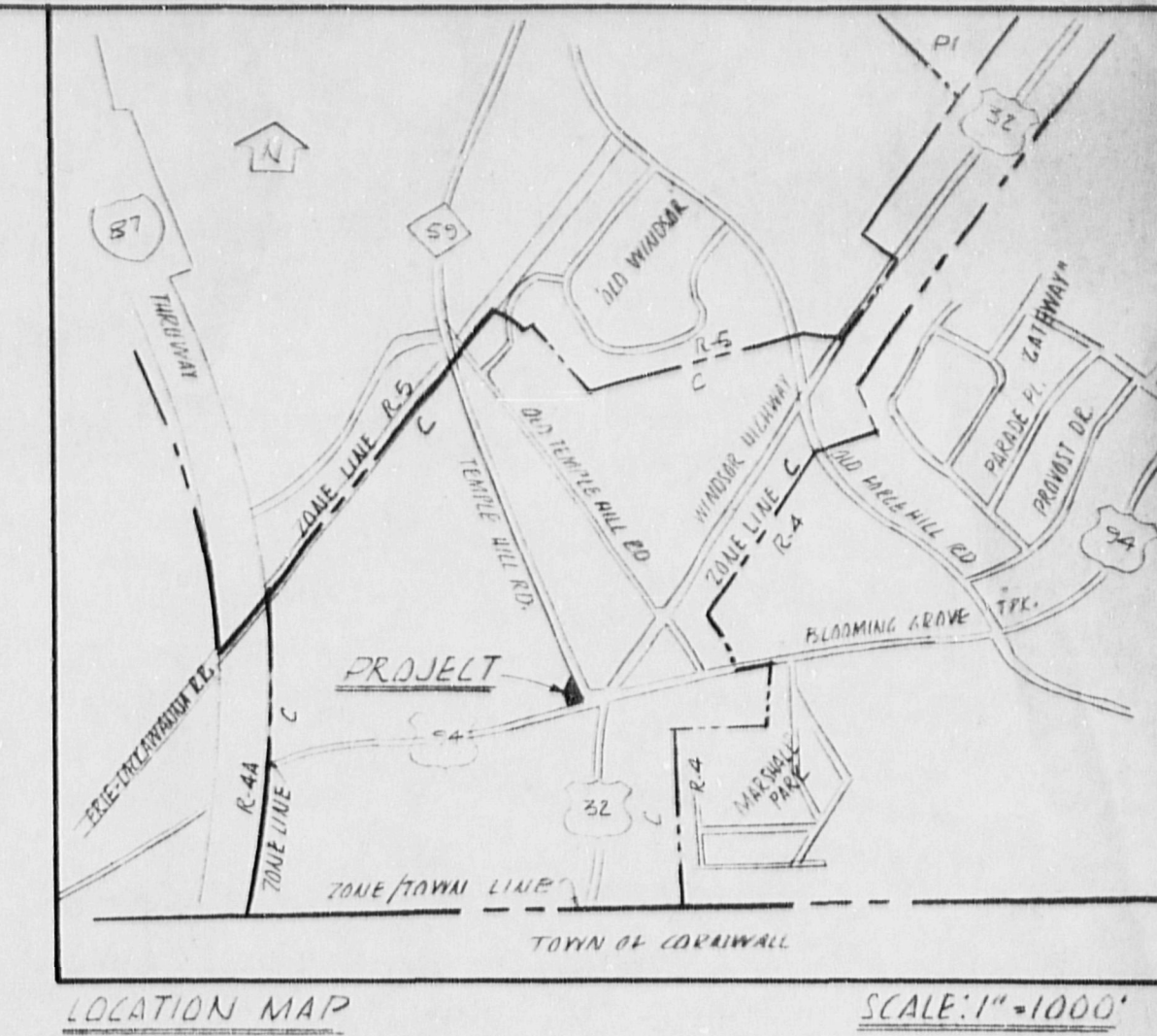
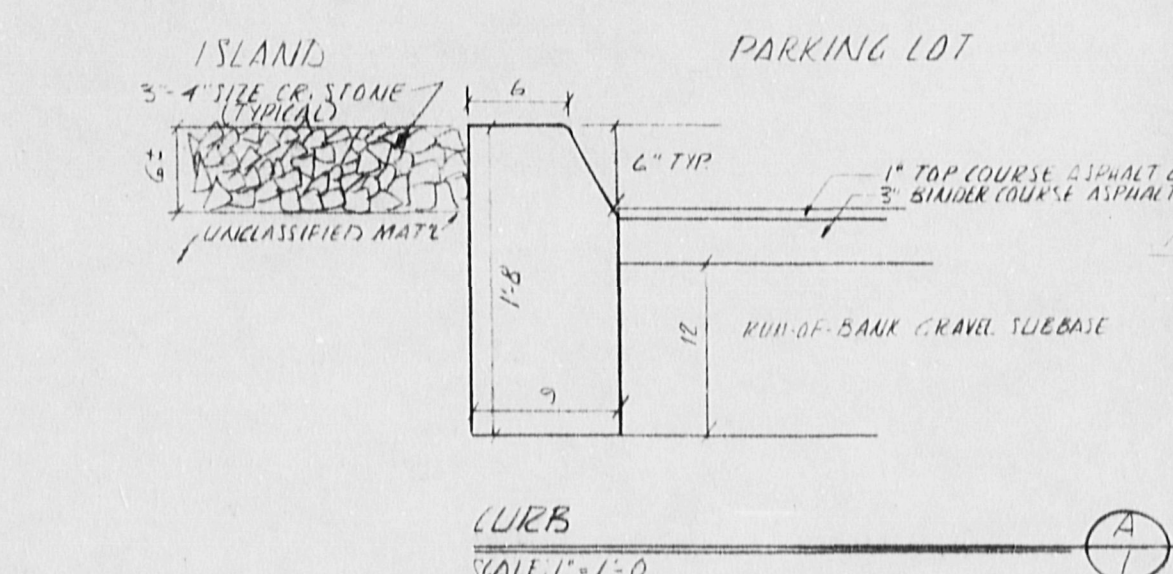
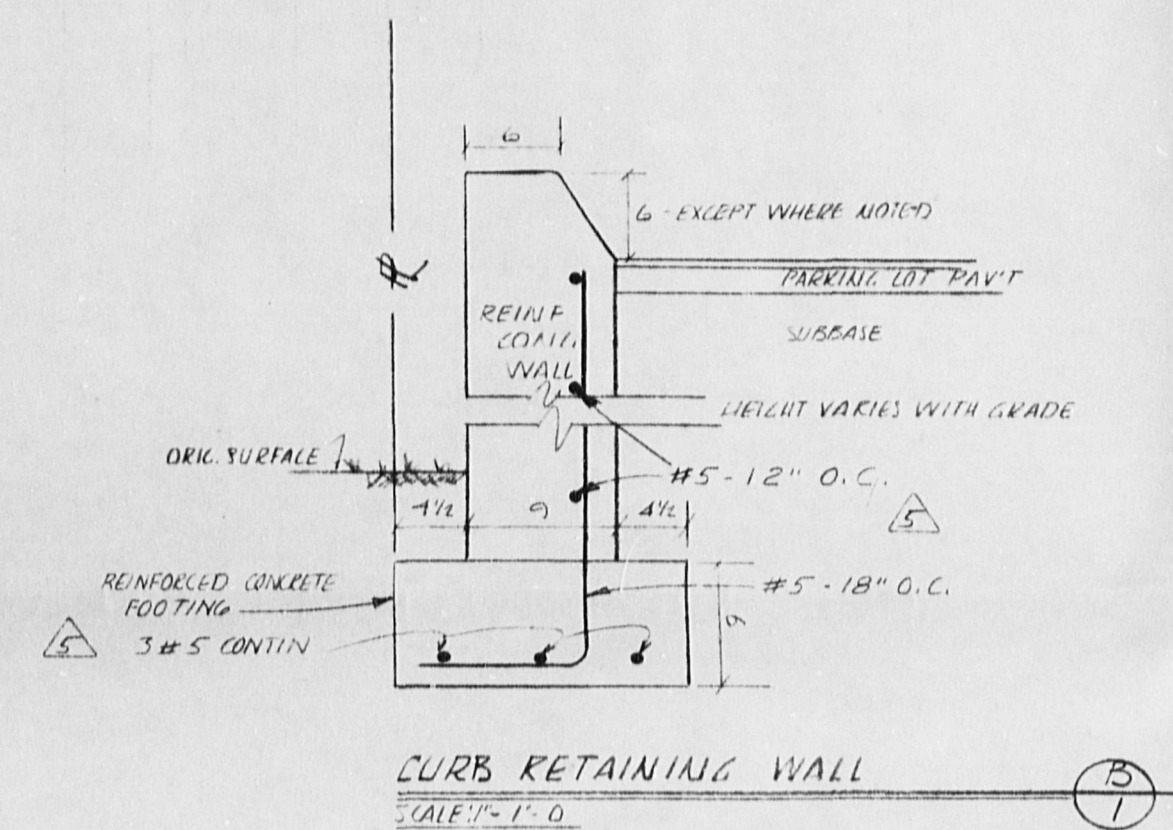
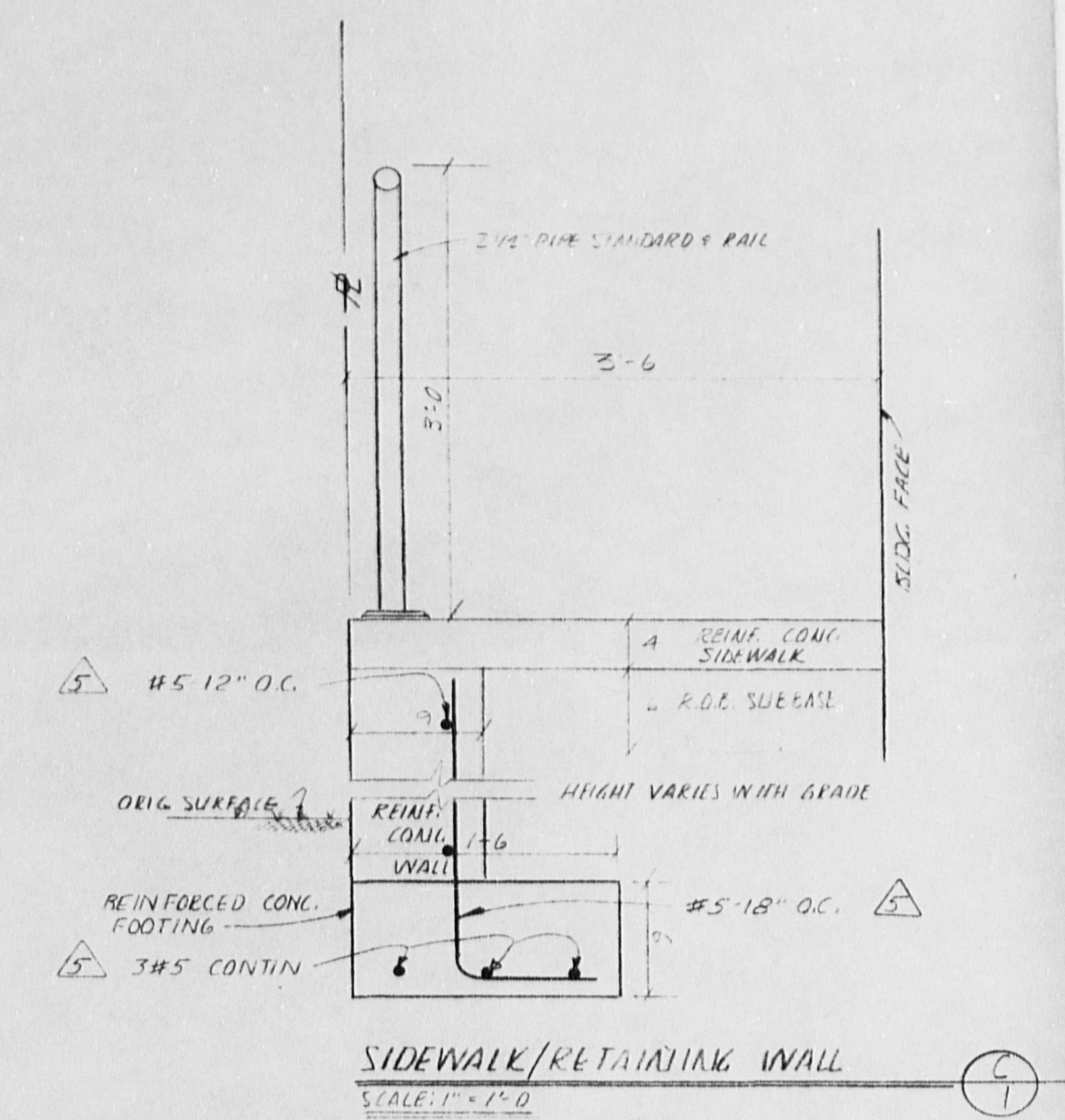
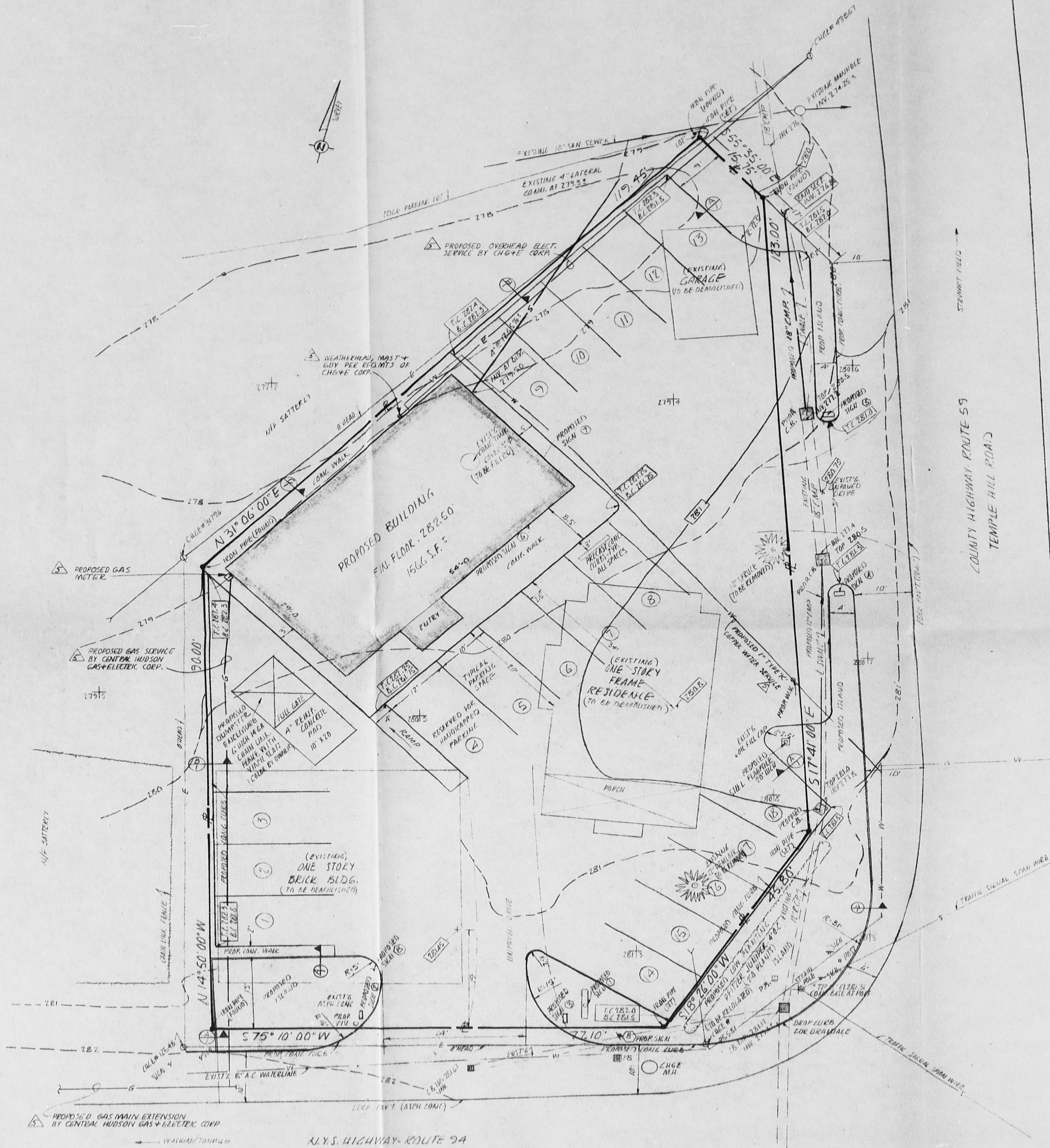
Ruth J. Eaton
RUTH J. EATON

Notary Public, State of New York
Qualified in Orange County
Commission Expires March 30, 1984
Reg. No. 4673512

XI. ZBA Action:

- (a) Public Hearing date _____
 - (b) Variance is _____
 - (c) Special Permit is _____
 - (c) Conditions and safeguards _____
- _____
- _____
- _____
- _____

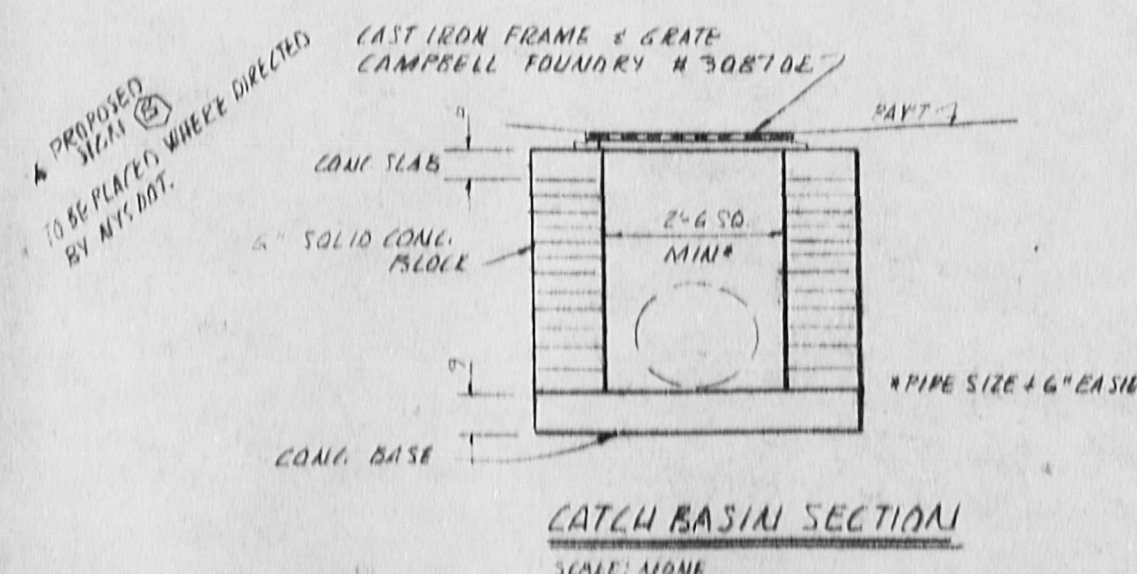
A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-
LUTION OF ZONING BOARD OF APPEALS.



- NOTES**
1. BOUNDARY AND TOPOGRAPHY SHOWN IS FROM FIELD SURVEY OF 2 JUL 1979. ELEVATION DATUM: U.S.G.S. (SEWER DIST. 14). CONTIGUOUS INTERVAL: ONE (1) FOOT.
 2. PROPERTY SERVED BY WATER DIST. NO. 5, SEWER DIST. NO. 14.
 3. PROPERTY ZONE: C-1 (DESIGN SHOPPING).
 4. PROPERTY OWNER: STEVE PERKINS.
 5. DEVELOPER: STEVE PERKINS.
 6. RETAINING WALL DESIGN REQUIREMENTS TO BE SUBMITTED WITH BUILDING PERMIT APPLICATION.
 7. ENTRANCE LINT DRIVES SUBJECT TO ANY DOT & N.Y.S.D.O.T. PERMIT REQUIREMENTS.
 8. LOCATION OF GAS SERVICE TO BE COORDINATED WITH CENTRAL HUDSON GAS & ELECTRIC CORP. THE CONTRACTOR SHALL CONTACT AND NOTIFY CENTRAL HUDSON GAS & ELECTRIC CORPORATION PRIOR TO STARTING ANY CONSTRUCTION.

PROPOSED SIGNS

NO.	DESCRIPTION
1	MINIMUM ILLUMINATED 24" X 36" PLURAL SIGN, 24" X 36" PLURAL SIGN, 24" X 36" PLURAL SIGN
2	MINIMUM ILLUMINATED 24" X 36" PLURAL SIGN, 24" X 36" PLURAL SIGN, 24" X 36" PLURAL SIGN
3	MINIMUM ILLUMINATED 24" X 36" PLURAL SIGN, 24" X 36" PLURAL SIGN, 24" X 36" PLURAL SIGN
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8	MINIMUM ILLUMINATED 24" X 36" PLURAL SIGN, 24" X 36" PLURAL SIGN, 24" X 36" PLURAL SIGN



McGOEY, HAUSER & GREVAS
CONSULTING ENGINEERS

DUNKIN' DONUTS
VAIL'S GATE, TOWN OF NEW WINDSOR, ORANGE COUNTY, N.Y.

SITE PLAN

194 ROUTE 9W, NEWBURGH, NEW YORK
DRAWN BY: SPS
CHECKED BY: WHH

SCALE: 1" = 10'
DATE: 28 FEB '79

SHEET: OF 14 **SP 1**
JOB NO. D-11178

Unauthorized duplication or alteration of this drawing is a violation of the provisions of the New York State Education Law.